

Application No.: 10/074,272  
Amendment and Response dated July 8, 2005  
Reply to Office Action of May 16, 2005  
Docket No.: 1199-4  
Page 13

### **REMARKS**

Applicants have concurrently filed a Request for Continued Examination and, therefore, respectfully request consideration of the above amendments and following remarks prior to further examination of the present application. Applicants also have concurrently filed a communication detailing the request for a shift in inventions pursuant to MPEP §819.01. This shift in invention was authorized by the PTO in the Interview Summary dated June 1, 2005.

Claims 54, 55, 62-78, 80, 81 and 83-119 are currently pending in this application. Applicants have added new claim 119, which is a generic claim corresponding to the elected subject matter of original claim 23. The current Listing of Claims reflects the shift of invention for the convenience of the Examiner and to simplify further prosecution. Applicants have voluntarily withdrawn from consideration the claims directed to the water bath species (claims 54, 55, 62-78, 80, 81 and 83-90) in accordance with Applicants' request for a shift in inventions pursuant to MPEP §819.01. Accordingly, Applicants have indicated these claims as withdrawn in the listing of claims above. Also in accordance with the shift in invention, Applicants have indicated claims 91-118 as pending in the listing of claims above. Claims 91-118 are species claims directed to drying with hot air currents. In addition, claim 101 has been amended herein in accordance with the PTO suggestion contained in the Interview Summary dated June 1, 2005. No new matter has been added.

### **Applicants' Response to Rejection under 35 U.S.C. §112, Second Paragraph**

Claim 54 is rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. As indicated above, claim 54 is withdrawn from consideration.

### **Applicants' Response to Rejection under 35 U.S.C. §102 over Magoon**

Claims 54, 55, 63-66, 69-71, 73, 74, 80, 83, 85, 89 and 90 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,631,837 to Magoon (hereinafter

“Magoon”). Applicants respectfully request withdrawal of the rejection in view of the shift in inventions.

As acknowledged by the Examiner, Magoon relates to a process of drying fruit pulp by using a heated water bath. In contrast, claims 91-118 all require the step of drying film by application of hot air currents. Drying film by applying hot air currents involves vastly different considerations than using a water bath. Nowhere in Magoon is a process of drying film with hot air currents taught or disclosed. Therefore, because Magoon fails to disclose every element of claims 91-118, it cannot anticipate the claims. As such, claims 91-118 are patentable over Magoon. In view of the shift in inventions to the species of claims 91-118, therefore, Applicants respectfully request withdrawal of the Section 102 rejection over Magoon.

**Applicants’ Response to Rejections under 35 U.S.C. §103 over Magoon alone or in view of Wampler or Kubodera**

Claims 62, 67, 68, 72, 78, 81 and 86-88 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Magoon in view of U.S. Patent No. 5,759,599 to Wampler et al. (hereinafter “Wampler”). Claims 75-77 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Magoon. Claim 84 is rejected under 35 U.S.C. §103(a) as allegedly being obvious over Magoon in view of U.S. Patent No. 4,851,394 to Kubodera (hereinafter “Kubodera”). Applicants respectfully request withdrawal of the Section 103 rejections in view of the shift in inventions.

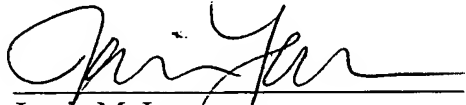
As discussed above, Magoon fails to disclose or even suggest the process of drying film through the application of hot air currents. As such, Magoon similarly fails to render Applicants’ claims 91-118 obvious. Moreover, neither Wampler nor Kubodera disclose drying a film by applying hot air currents. Accordingly, in view of the switch in inventions, Applicants’ respectfully request withdrawal of the Section 103 rejections over Magoon alone, or in combination with Wampler or Kubodera.

Application No.: 10/074,272  
Amendment and Response dated July 8, 2005  
Reply to Office Action of May 16, 2005  
Docket No.: 1199-4  
Page 15

In view of the foregoing, claims 91-119 are believed to be in proper form for allowance.  
A favorable reconsideration of the application on the merits is earnestly solicited.

If the Examiner has any questions regarding this Response, she/he is encouraged to  
contact the undersigned attorney.

Respectfully submitted,

  
\_\_\_\_\_  
Jamie M. Larman  
Registration No. 48,623  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791  
(973) 331-1700